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blacken the memory of any man. Wilkinson's cynical suggestion, which was quite worthy of him, is not much weaker as evidence of Parsons's approachable venality than the statement of the British correspondent above referred to. "There is a General Parsons concerned in the same enterprise", wrote this agent from Detroit, "from whom I have received advances, that I imagine may prove favourable towards a harmonious understanding in point of Commercial interest between Great Britain and these rising settlements. In fact the joint advantage of all parties who mean to be resident upon the Ohio, and to enhance the value of their landed property must induce them to insist upon a free entrance into the Bay of Mexico, and to solicit our trade." This is all that has so far been printed, so far as I know. Must such evidences be taken seriously as an indication of dishonor?

The author has apparently given much labor to the preparation of this volume. But why he could not have taken the trouble to supply it with the necessary accompaniments of a really valuable work is hard to understand. Had it been written for the general reader or so that any one would be tempted to read it, then there would have been some excuse for the method or absence of it. No one, however, that is not seeking thirstily for dry literature is likely to read the book, and it must therefore be judged as intended for reference and the use of scholars. If so, why are all the paraphernalia that the scholar demands left out of the book? Is it not trying to see so much labor expended in the production of a book without foot-notes, without proper indication of the whereabouts of the originals of the letters, with some letters printed in full and others only in part, in a bewildering sort of a way? It would not have required much trouble to make the book in these respects right. When will the industrious learn the elements of the gentle art of book-making? And yet the author's conscientious efforts have brought together a good deal of valuable material for which we must be thankful, and the book is likely to be of use.

A. C. McLAUGHLIN.

The American Nation: a History. Edited by ALBERT BUSHNELL HART. Volume 10. *The Confederation and the Constitution.* By ANDREW CUNNINGHAM McLAUGHLIN, A.M., Director of the Bureau of Historical Research, Carnegie Institution. (New York and London: Harper and Brothers. 1905. Pp. xix, 348.)

THE opinion that the Federal Constitution was wrung from a reluctant people by grinding necessity—a view approved, for example, by Von Holst, and seeking popular sanction in Fiske's *Critical Period*, must finally yield to a truer interpretation of the events through which the forces which formed the "more perfect union" were mobilized. Professor McLaughlin has made a distinct contribution to this ampler and truer knowledge of the real nature and scope of the necessity which urged the American people "deliberately and peaceably, without fraud

or surprise" (p. 315) to face the task of solving "The Problem of Imperial Organization" and to accomplish it.

An analysis of this problem, which is considered a part of the great question confronting the English statesmen in 1765 and which occupied the attention of a generation, the author designates as the "centre" of his treatment of the course of events in the seven years from 1781 to 1788. With this portion of the volume, the third chapter, he ranks in importance the eleventh and fifteenth chapters, entitled respectively "Proposals to Alter the Articles of Confederation" and "The Law of the Land." Of his 300 pages he devotes eighteen to the discussion of the problem which met the people at the close of the War for Independence.

National readjustment was, from the first, hindered by four things: the demoralizing experiences of a war at once civil and revolutionary; the exile, forced and voluntary, of thousands of excellent citizens; false notions of the relations of freedom and government; the fact, lastly, that the war had been waged to support local governments against a general government. To these obstacles the author might well have added a fifth, the natural reaction, namely— a phenomenon not unknown to-day— which in an individual and in a people follows long-continued, albeit successful effort to attain a high purpose and which, relaxing vigilance and supreme endeavor, permits temporary control to baser forces.

The first form of imperial organization, completed in 1781, was dissimilar to the state constitutions and lacked the essentials of real government, and though the Articles of Confederation tempt one now to smile at their inadequacy to meet the social, political, and industrial needs of the time, "they were in many respects models of what articles of confederation ought to be". The author wisely emphasizes their profound significance in one important particular: with remarkable care they separated the local powers from those of a general character. In reciting the various Articles McLaughlin passes all too lightly over the fourth, which provided interstate citizenship. If, as Bacon asserts, no allied states granting interstate citizenship were in all history ever known to fall apart, the value to the people of the United States of this fourth Article should never be underestimated. The Confederation provided no executive department, but constitutional organs were gradually growing. Administrative failures and experiments were showing the way to a more effective and satisfactory system. With this wise and perfectly true conclusion the opening words of the eleventh chapter offer a sharp contrast: "The year 1786 was . . . one of discouragement. . . . Everywhere there was great cause for despondency: disorder within the states, plots and threatenings on the border, loud laments over commercial distress and heavy taxes, and, worst of all, a reckless disregard of political obligations" (p. 168). Evils there were, many and dire, in what the author calls "this dreary year of 1786" (p. 179), but they were distributed, they wrought within the states, the force of their

impact on the life of the people as a whole was broken. The following words published in some of the newspapers in the fall of 1786 were not devoid of truth: "The United States are traveling peacefully into order and good government. They know no strife but what arises from collision of opinions and in three years they have advanced further in the road to stability and happiness than most of the nations in Europe have done in many centuries."

The reflective purpose of the people was, despite the evils, forming for definite expression. The author skilfully sketches the many "Proposals to Alter the Articles of Confederation" which emanated from individuals in private letters, in the public prints, and in essays, from Congress, and from various states, and their actual or virtual rejection. McLaughlin in common with most historians of this period does not wholly escape the temptation to share the impatience so evident in the expressions of the wise and earnest statesmen of that day. The proposals for reform were for the most part excellent; in part too they recognized the proper spheres of nationalism and localism. But let us suppose that all these reforms, or the worthiest of them, had been at once accepted—the power to tax, to regulate commerce, to compel state obedience, to institute a judiciary, and the rest—would the resultant government have been real and enduring? To say nothing of the lack of proper division into the three departments, independent and co-ordinate and universally accepted as essential, the people were not ready to commit real power to a legislature of one house. This they felt instinctively. This was enough to give pause until the master-builders of the Union should recognize, not merely that certain powers should be granted, but that the proper constitution of the depository should also be provided. The author of the newspaper address quoted above says: "The single legislature of Congress will become more dangerous from an increase of power than ever. To remedy this, let the supreme federal power be divided like most of the legislatures of our States into two distinct, independent branches."

A notable recognition of the deep and strong and tranquil current of the life of the American people which was flowing through and alongside of turbulent eddies and slack water is given in 1787 by Otto in a letter to Montmorin:

The reflections which I have just had the honor of submitting to you scarcely conform to the vague and exaggerated reports with which almost all the European and American publications are flooded in regard to the situation of the United States. They confound the uncertainty of a people which has not yet chosen its form of stable and permanent government with disorder and internal anarchy; but this uncertainty is only felt abroad or in their political discussions without affecting in any way the tranquillity and industry of the citizens. If one studies ever so little the general prosperity, individual comfort, the well-nigh inconceivable growth of all parts of the republic, one is tempted to believe that of all the countries of the world, this one has taken the longest strides toward opulence and formidable power.

This view, the contemporary judgment of a foreigner, which in this case should be essentially that of posterity, does not receive the treatment it deserves at McLaughlin's hand. He does however do full justice to the difficulty of finding a method for making certain the power of the central authority to perform the duties bestowed upon it: "Could this be done without destroying the states as political entities or reducing them to mere districts? That was a question that might well have confused the clearest brain of the time; no more delicate and intricate problem in practical politics and statecraft ever confronted a thinking people" (p. 176). And yet when the author comes to treat of "The Great Compromise" in the Federal Convention, he fails to feel the full force of the truth expressed somewhere by Ranke to the effect that "all progress comes through conflict". Nationalism in our continental, "imperial" organization to be enduring must rest on distributive power. An exhaustive exposition of the arguments on both sides in a face-to-face debate was necessary. He misapprehends the real attitude of the authors and defenders of the New Jersey plan. The majority of them were not reactionaries but were nationalists at heart. Their arguments were federalist in the extreme, but they were advocates whose defense of one essential point forced them to overstatement and to an ultimatum. One of the Pinckneys saw this when he said in the debate: "The whole comes to this. . . . Give New Jersey an equal vote, and she will dismiss her scruples, and concur in the National system" (p. 217). This concurrence readily followed when the indestructibility of the states was secured through the equal representation in the Senate. The part taken by the supporters of the New Jersey plan was essential to the solution of the problem. McLaughlin is far from recognizing this when he says that they now "ceased to interfere with the work of the convention" (p. 240). The author's estimate of Paterson, which would make him narrow-minded and ignorant of the condition of the country, fails in appreciation of the man whom in 1784 the states of Massachusetts and New York chose as one of the judges in their dispute over territory, who in 1789 shared next to Ellsworth in the honor of perfecting the act organizing the Federal judiciary, and whom Washington in 1793 appointed a justice of the Supreme Court.

On the other hand, it is a joy to read McLaughlin's fifteenth chapter. Here at last is full recognition by competent authority of the value of the second clause of the sixth article of the Constitution which henceforth was to be the supreme law—"the central clause of the Constitution, because without it the whole system would be unwieldy, if not impracticable. Draw out this particular bolt, and the machinery falls to pieces" (p. 247). Possibly, as McLaughlin points out, the framers did not consciously intend to incorporate into the Constitution the full potentiality embodied in this clause, but they meant the Constitution to be the law of the land. So much at least the authors of the New Jersey plan must have intended when they offered this clause in substance to the

Convention. Rejected at first by the builders, it became by unanimous acceptance the head of the corner.

The preliminary chapters—"The End of the Revolution" and "The Treaty of Paris"—are the work of the truth-loving and truth-finding historian. Especially commendable is the judgment on Jay's part in the negotiations and on the position of France. The treatment of the subjects of the "Finances", "Commerce", "Diplomacy", "Paper Money", and "Shays's Rebellion" is succinct, clear, and nowhere else in the same space better done; so too, for the most part, the reorganization of the West, though in the evolution of the Northwestern ordinances, as it seems to us, greater credit should be given to Jefferson for his share in the work. Through him came the excellent system of meridian surveys; and too, while his effort to exclude slavery from all the West failed for the time, it should be remembered that he devised the form of words which now form a part of the law of the land in its Thirteenth Amendment.

In narrating the work of the Federal Convention the story is somewhat marred by the spirit of over-anxiety and zeal on behalf of those who would make population the sole basis of an effective, national, representative government. On the side of the large-state men, he says (p. 211), "was strength of argument and national patriotism; on the other, persistence, local pride, and the threat to break up the convention". He virtually denies the existence of some motives which certainly inspired the majority of the delegates from the small states. Again, on the next page, he says: "the small-state party, whose eagerness and obstinacy 'began now', as Madison tells us, 'to produce serious anxiety for the result of the Convention'." The sentence is misleading; the reader would suppose that Madison had imputed *obstinacy* to his opponents. The treatment of the topics "The Constitution before the People" and the adoption "For Better or for Worse" is adequate. His "Critical Essay on Authorities" is ample, just, and discriminating.

The author's references are, so far as compared by the present writer, accurate. More exact dates would be in some of the chapters desirable; for example, the reader would infer that King's antislavery motion was made in 1784. It was offered to Congress in 1785. The excellent style and diction of the author suffer from few lapses, "making sure the observation of the Articles of Union" (p. 176) being one of the six or seven noted. The proof-reading has been of the best. Altogether, save in the points noted above, the volume is quite worthy of recognition as a model history of the time which must ever claim a foremost interest from the lover of our country and from the student of its annals.

AUSTIN SCOTT.